

DEPARTMENT OF STATE AIRGRAM

190143-0061

~~LIMITED OFFICIAL USE~~

-2-

A-36

DF
Brazil

1979 OCT 12 PM 2 42

HANDLING CLASSIFICATION MESSAGE REFERENCE NO.
~~LIMITED OFFICIAL USE~~ A-36

TO: Department of State
INFO: BRASILIA, RIO DE JANEIRO, RECIFE, PORTO ALEGRE, SALVADOR
FROM: Amconsul SAO PAULO
DATE: September 28, 1979
E.O. 11652: N/A
TAGS: SHUM, PINT, BR
SUBJECT: Judges' "Strike Forces" Aim to Improve Police Practices

36 REF:

DEPT. DISTRIBUTION
ORIGIN/ACTION
ARA

AF	ARA	CU	EA
EB	EUR	INR	IO
L	NEA	PER	PM
REP	SCI	SS	SY
HA			
AGR	AID	AIR	ARMY
CIA	COM	DOD	DOT
FRB	HEW	INT	LAB
NAVY	NSA	NSC	OPIC
STR	TAR	TRSY	USIA
XMB			

Summary:

In an effort to curb local police abuses, judges plan to undertake surprise investigatory visits on pre-selected prisons. The judges plan to work with the São Paulo Secretary of Public Security and local authorities in an attempt to eradicate police maltreatment of prisoners and disregard for the law in local and state prisons. With the national policy of political opening, São Paulo State authorities and the judiciary are becoming increasingly concerned with improving the treatment of common criminals within the confines of the law. End Summary.

The São Paulo State Prosecutor (Corregidor Geral), Humberto de Andrade Jungueira, and fifty criminal court judges met September 18 with the São Paulo State Secretary of Public Security, Octávio Gonzaga, Jr., to discuss a proposed judicial "strike force" to oversee (fiscalize) police practices within prisons and at police precincts. According to both newspaper reports and an interview with one of the leading judges involved, small groups of judges, acting on their own volition, plan to make surprise investigatory visits at pre-selected prisons to

verify if common prisoners are receiving the legally established standards of treatment. They state they will be alert for any evidence of arbitrary imprisonment, torture, illegal coercion, and maltreatment. After an on-the-spot review of a prisoner's situation, the judges will report any infraction of the law and initiate steps to take legal action against the responsible officials.

In making their surprise visits, judges propose to rely on information provided by relatives and/or the prisoner himself, and will select for review those police officers and prisons which have had registered against them the most recurring complaints. The Commissioner (Juiz Corregidor) of Prisons and Judicial Police, Judge Renato Laercio Talli, in an interview with a ConGen PolOff stated that São Paulo judges under his leadership have been compiling information on various police and prison officers over the last six years. They have now isolated those most often cited in complaints of prisoner maltreatment. These officers and their respective prisons will be the first ones reviewed, according to Judge Talli.

One effect of the publicly announced decision of the judges to form "strike forces" was the immediate decrease in the number of complaints of arbitrary detention. Judge Talli told the reporting officer that before the announcement of the "strike forces", his department processed an average of 30 cases of "habeas corpus" daily as a consequence of prisoners being arbitrarily detained. Since the judges initiative, only one such instance had been reported. (Under Brazilian law, police must report within 24 hours the arrest of a prisoner to the competent judge, who will then decide if the detention is within the law. If this is not done, the prisoner may be released under a writ of "habeas corpus.")

The newspaper, O Estado de São Paulo, reported on September 23, 1979, that the crime rate has increased since the judges' announcement. This is reportedly due to a strict adherence by police officers to Brazilian law which states that only persons caught actually committing a crime can be apprehended. Previously, unreported detentions primarily involved individuals who had been picked up by the police on suspicion of committing a common crime. In short, the numbers more clearly reflect the actual state of affairs.

Comment:

São Paulo's prisons have long suffered from many of the ills affecting prisons in other countries of Latin America--

~~LIMITED OFFICIAL USE~~

CLASSIFICATION

DRAFTED BY: POL/LAB: Jsher:mem DRAFTING DATE: 9/28/79 PHONE NO. CONTENTS AND CLASSIFICATION APPROVED BY: CG:TEArnold

CLERK: RANCES

CONS: MR Povenmire MP POL/LAB: DMPovenmire POL: LPenn

FORM 05-323
11-72

~~LIMITED OFFICIAL USE~~

A-36

-3-

overcrowded, antiquated facilities, poorly paid and largely untrained staffs, and the internal conditions that these factors breed. The judicial police, by definition, deal almost exclusively with the bottom rungs of society. Standards of local police conduct here, as in many developing countries, frequently leave much to be desired.

The current political opening in Brazil has allowed the judges to undertake this unprecedented action. Judges are aware of top-level support in São Paulo for improving prison conditions and police practices. The current Secretary of Public Security serves as an example of the change in emphasis. Gonzaga, Jr., was a judge himself for over twenty years before assuming his present position. He has publicly condemned reported cases of police brutality and is taking a strong stand in ending such abuses and punishing those legally found responsible. He, however, believes that it is the responsibility of his department, rather than the judiciary, to affect changes. Therefore, he has not come out in support of the judges' plans and has privately stated to a ConGen PolOff that he thought it was a bad idea. According to the Judge Talli, that while Gonzaga, Jr., strongly supports the idea of correcting abuses in principle, he would prefer that this be done under his own leadership. Judge Talli did not expect, however, that Gonzaga, Jr., would stand in their way.

AR 36

~~LIMITED OFFICIAL USE~~